

**UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA, Plaintiff,
v.

Case Number CR 12-0459 EMC (NC)

Letitia Mays, Defendant.

**ORDER OF DETENTION PENDING
TRIAL**

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on December 4, 2012. Defendant was present, represented by her attorney Brian Berson. The United States was represented by Assistant U.S. Attorney Thomas Stevens.

PART I. PRESUMPTIONS APPLICABLE

/ / The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and the defendant has been convicted of a prior offense described in 18 U.S.C. § 3142(f)(1) while on release pending trial for a federal, state or local offense, and a period of not more than five (5) years has elapsed since the date of conviction or the release of the person from imprisonment, whichever is later.

This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

/ / There is probable cause based upon the indictment to believe that the defendant has committed an offense

A. ___ for which a maximum term of imprisonment of 10 years or more is prescribed
 in 21 U.S.C. § 801 et seq., § 951 et seq., or § 955a et seq., OR

B. ___ under 18 U.S.C. § 924(c): use of a firearm during the commission of a felony.

This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

/ X / No presumption applies.

PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE

/ / The defendant has not come forward with sufficient evidence to rebut the applicable presumption, and he therefore will be ordered detained.

/ / The defendant has come forward with evidence to rebut the applicable presumption[s] to wit: .

Thus, the burden of proof shifts back to the United States.

PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR INAPPLICABLE) N/A

PART IV. WRITTEN FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

/ X / The Court has taken into account the factors set out in 18 U.S.C. § 3142(g) and all of the information submitted at the hearing and finds as follows: The Court adopts the facts set forth in the Pretrial Services Report, which was not objected to by either party. The following factors set forth in Pretrial Services Report establish a risk of non-appearance: three active warrants in three states (California, Nevada, and Washington), two of which are for failures to appear; an active detainer; a recent history of non-compliant behavior while defendant was on federal probation; defendant's use of aliases and other person's identities; minimal employment history; and concerns detailed in PTS report about defendant's substance abuse. In mitigation, defendant has local ties, including children, in District, a proposed employment opportunity, and no history of international travel. Considering all the evidence presented, the Court finds that no condition or combination of conditions will reasonably assure the appearance of the defendant.

PTS also recommended detention based on danger to the community. The Court, however, bases its detention order on the risk of flight, above.

Finally, defendant requested credit for acceptance of responsibility on the assertion that she will soon plead guilty to offense. Defendant also asserted facts in support of temporary compassionate release, for care of minor child and grieving death of partner. Court is willing to reconsider detention order in the future upon presentation of additional evidence.

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PART V. DIRECTIONS REGARDING DETENTION

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on the request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated: December 6, 2012


NATHANAEL COUSINS
United States Magistrate Judge

AUSA __, ATTY ____, PTS ____